

## Official Snooping *Ex 11/17*

The Department of Justice made a broad assertion the other day — that the Federal Government has abandoned the use of all electronic eavesdropping devices, except in "national security" cases. Allowing for a little skepticism anent this statement and a suspicion that the Department may not know everything that is going on, this still affords room for rejoicing. It suggests a sense of shame about snooping in the past and a rebirth of the respect for privacy which used to be considered one of the canons of decency.

To whatever extent Federal eavesdropping has been curtailed, President Johnson deserves the credit for it. His directive of 18 months ago forbidding the practice except where national security is involved was the outcry of a healthy man appalled at the extent to which cherished American rights were being overridden for the sake of law enforcement expediency. In conformity with his order, the Justice Department has banned both bugging and wiretapping, including even forms of eavesdropping which involve no actual trespass on private premises.

We say again, as we have said many times in the past, that the President is devoid of any authority to make an exception in security situations. If a concealed microphone was planted by trespass on private premises, it entailed a violation of the Fourth Amendment; and that great article of the Bill of Rights contains not a syllable about security. Similarly, the Federal Communications Act of 1934 says flatly that no one, without the authorization of at least one party to the conversation, may intercept and make any use of a telephone conversation for any purpose whatsoever.

The founding fathers, and the members of Congress who adopted the Communications Act, evidently felt alike that the protection of privacy has even greater value than the facilitation of law enforcement. The President's support of this evaluation is immensely heartening. The country will be the safer and the stronger for the freedom of communication it promotes.